

**REPORT OF THE AUDIT OF THE
BOONE COUNTY
SHERIFF**

**For The Year Ended
December 31, 2008**



**CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS
www.auditor.ky.gov**

**209 ST. CLAIR STREET
FRANKFORT, KY 40601-1817
TELEPHONE (502) 564-5841
FACSIMILE (502) 564-2912**

EXECUTIVE SUMMARY

AUDIT EXAMINATION OF THE BOONE COUNTY SHERIFF

**For The Year Ended
December 31, 2008**

The Auditor of Public Accounts has completed the Boone County Sheriff's audit for the year ended December 31, 2008. Based upon the audit work performed, the financial statements present fairly, in all material respects, the revenues, and expenditures of the Sheriff and the revenues, expenditures, and fund balances of the Sheriff's operating fund and county fund with the State Treasurer in conformity with the regulatory basis of accounting.

Financial Condition:

A fee official in counties with a population over 70,000 has two funds established with the state for the deposit of fees collected. Seventy-five percent (75%) of the fees collected are deposited in a Sheriff's operating fund and used for office expenses of the fee official. The remaining twenty-five percent (25%) of fees collected are deposited to the county government fund and paid quarterly to the county government. These funds are closed at the end of each four-year term by paying the balances to the respective county government.

The Boone County Sheriff had total revenues of \$10,665,710 and total expenditures of \$94,092, resulting in net revenues of \$10,571,618. Total revenues decreased by \$3,131,522 and total expenditures increased by \$12,916 from the prior year. The Sheriff paid 75% of net revenues to the Sheriff's Operating Fund in the amount of \$9,939,598. This was a decrease of \$3,198,710 from the prior year. The Sheriff paid 25% of net revenues to the Boone County Fiscal Court in the amount of \$632,020. This was an increase of \$54,272 from the prior year.

Operating Fund (75%) – The Sheriff's beginning fund balance as of January 1, 2008 totaled \$(1,689,963). Total revenues of \$9,939,598 and total expenditures were \$15,173,912, leaving an ending fund balance as of December 31, 2008 of \$(6,924,277).

County Fund (25%) – Total revenues of \$632,020 were deposited and transferred to the Boone County Treasurer for calendar year 2008.

Deposits:

The Sheriff's deposits were insured and collateralized by bank securities.

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CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Gary W. Moore, Boone County Judge/Executive
Honorable Mike Helmig, Boone County Sheriff
Members of the Boone County Fiscal Court

Independent Auditor's Report

We have audited the accompanying statement of revenues and expenditures - regulatory basis of the Sheriff of Boone County, Kentucky, and the statement of revenues, expenditures, and fund balances of the Sheriff's operating fund and county fund with the State Treasurer - regulatory basis for the year ended December 31, 2008. These financial statements are the responsibility of the Sheriff. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with auditing standards generally accepted in the United States of America, the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, and the Audit Guide for County Fee Officials issued by the Auditor of Public Accounts, Commonwealth of Kentucky. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

As described in Note 1, the Sheriff prepares the financial statements on a regulatory basis of accounting that demonstrates compliance with the laws of Kentucky, which is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America.

In our opinion, the accompanying financial statements referred to above present fairly, in all material respects, the revenues and expenditures of the Sheriff and the revenues, expenditures, and fund balances of the Sheriff's operating fund and county fund with the State Treasurer for the year ended December 31, 2008, in conformity with the regulatory basis of accounting described in Note 1.

In accordance with Government Auditing Standards, we have also issued our report dated December 17, 2009 on our consideration of the Sheriff's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards and should be considered in assessing the results of our audit.



The Honorable Gary W. Moore, Boone County Judge/Executive
Honorable Mike Helmig, Boone County Sheriff
Members of the Boone County Fiscal Court

This report is intended solely for the information and use of the Sheriff and Fiscal Court of Boone County, Kentucky, and the Commonwealth of Kentucky and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Crit Luallen", with a long horizontal flourish extending to the right.

Crit Luallen
Auditor of Public Accounts

December 17, 2009

BOONE COUNTY
MIKE HELMIG, SHERIFF
STATEMENT OF REVENUES AND EXPENDITURES - REGULATORY BASIS

For The Year Ended December 31, 2008

Revenues

| | | | |
|--|----|---------------|----------------|
| Federal Grant | | \$ | 26,530 |
| State Grants | | | 79,174 |
| Federal Fees For Services: | | | |
| Department of Justice | \$ | 13,578 | |
| Immigration and Customs Enforcement | | <u>15,235</u> | 28,813 |
| State Grants: | | | |
| KY Law Enforcement Program Foundation | | | 542,637 |
| State Fees for Services: | | | |
| Finance and Administration Cabinet | | | 473,534 |
| Circuit Court Clerk | | | 9,295 |
| Fiscal Court | | | 4,850,298 |
| County Clerk | | | 3,955 |
| Commission on Taxes | | | 3,282,905 |
| Fees Collected for Services: | | | |
| Auto Inspections | | 68,541 | |
| Accident and Police Reports | | 102 | |
| Serving Papers | | 343,885 | |
| Carrying Concealed Deadly Weapon Permits | | 19,870 | |
| Sheriff's 10% Add-on Fees | | 476,883 | |
| Boone County School | | 71,332 | |
| Other Police Services | | <u>26,864</u> | 1,007,477 |
| Other Revenues: | | | |
| Impound Fees | | 1,442 | |
| Employee Share Health Insurance | | 186,549 | |
| Service Charge - Ordinance #03-07 | | 87,422 | |
| Court Ordered Payments | | 9,991 | |
| Miscellaneous | | 37,809 | |
| Interest Earned | | <u>37,879</u> | <u>361,092</u> |
| Total Revenues | | | 10,665,710 |

The accompanying notes are an integral part of the financial statements.

BOONE COUNTY
MIKE HELMIG, SHERIFF
STATEMENT OF REVENUES AND EXPENDITURES - REGULATORY BASIS
For The Year Ended December 31, 2008
(Continued)

Expenditures

Payments to State:

| | | |
|--|----|-------|
| Carrying Concealed Deadly Weapon Permits | \$ | 6,670 |
|--|----|-------|

Payments Made To County:

| | | |
|-----------------------------------|--|---------------|
| Service Charge - Ordinance #03-07 | | <u>87,422</u> |
|-----------------------------------|--|---------------|

| | | | |
|--------------------|--|-----------|---------------|
| Total Expenditures | | <u>\$</u> | <u>94,092</u> |
|--------------------|--|-----------|---------------|

| | | | |
|--------------|--|--|------------|
| Net Revenues | | | 10,571,618 |
|--------------|--|--|------------|

Payments to State Treasurer:

| | | | |
|--------------------|----------------|-------------------|--|
| 75% Operating Fund | 9,939,598 | | |
| 25% County Fund | <u>632,020</u> | <u>10,571,618</u> | |

| | | | |
|------------------------------------|--|-----------|----------|
| Balance Due at Completion of Audit | | <u>\$</u> | <u>0</u> |
|------------------------------------|--|-----------|----------|

The accompanying notes are an integral part of the financial statements.

BOONE COUNTY
 MIKE HELMIG, SHERIFF
 STATEMENT OF REVENUES, EXPENDITURES, AND
 FUND BALANCES OF THE SHERIFF'S OPERATING FUND
AND COUNTY FUND WITH THE STATE TREASURER - REGULATORY BASIS

For The Year Ended December 31, 2008

| | 75% Operating Fund | 25% County Fund | Totals |
|--|--------------------------|-----------------------|----------------|
| Fund Balance - January 1, 2008 | \$ (1,689,963) | \$ | \$ (1,689,963) |
| <u>Revenues</u> | | | |
| Fees Paid to State - Operating Funds (75%) | 9,939,598 | | 9,939,598 |
| Fees Paid to State - County Funds (25%) | | 632,020 | 632,020 |
| Total Funds Available | 8,249,635 | 632,020 | 8,881,655 |
| <u>Expenditures</u> | | | |
| Boone County Fiscal Court | | 632,020 | 632,020 |
| Personnel Services- | | | |
| Official's Statutory Maximum | 100,456 | | 100,456 |
| Deputies' Salaries | 6,961,576 | | 6,961,576 |
| Part-Time Salaries | 608,450 | | 608,450 |
| Office Staff Salaries | 471,571 | | 471,571 |
| Resource Officers' Salaries | 455,210 | | 455,210 |
| KLEPF Salaries | 409,375 | | 409,375 |
| Clothing Allowance | 10,096 | | 10,096 |
| Cellular Phone Allowance | 29,092 | | 29,092 |
| Employee Benefits- | | | |
| Employer's Share Social Security | 627,660 | | 627,660 |
| Employer's Share Retirement | 75,876 | | 75,876 |
| Employer's Share Hazardous | | | |
| Duty Retirement | 2,657,253 | | 2,657,253 |
| Employer's Paid Health Insurance | 1,647,866 | | 1,647,866 |
| Other Payroll Disbursements | 225,661 | | 225,661 |
| Contracted Services- | | | |
| Advertising | 3,317 | | 3,317 |
| Vehicle Maintenance & Repairs | 613,727 | | 613,727 |

The accompanying notes are an integral part of the financial statements.

BOONE COUNTY
MIKE HELMIG, SHERIFF
STATEMENT OF REVENUES, EXPENDITURES, AND
FUND BALANCES OF THE SHERIFF'S OPERATING FUND
AND COUNTY FUND WITH THE STATE TREASURER - REGULATORY BASIS
For The Year Ended December 31, 2008
(Continued)

| | 75% Operating Fund | 25% County Fund | Totals |
|----------------------------------|--------------------------|-----------------------|----------------|
| <u>Expenditures</u> (Continued) | | | |
| Contracted Services- (Continued) | | | |
| Maintenance Agreements | \$ 3,588 | \$ | \$ 3,588 |
| Attorney Retainer | 5,506 | | 5,506 |
| Other Contracted Services | 3,830 | | 3,830 |
| Materials and Supplies- | | | |
| Office Supplies | 14,313 | | 14,313 |
| Other Charges- | | | |
| Dues | 4,339 | | 4,339 |
| Postage | 17,674 | | 17,674 |
| Merit Board | 3,774 | | 3,774 |
| Uniforms/Equipment | 24,438 | | 24,438 |
| Data Processing | 6,852 | | 6,852 |
| Deputy Expenses/Training | 25,188 | | 25,188 |
| Transporting Prisoners | 142,214 | | 142,214 |
| Medical Supplies | 1,543 | | 1,543 |
| General Utilities/Rentals | 12,170 | | 12,170 |
| Miscellaneous | 11,297 | | 11,297 |
| Total Expenditures | 15,173,912 | 632,020 | 15,805,932 |
| Fund Balance - December 31, 2008 | \$ (6,924,277) | \$ | \$ (6,924,277) |

The accompanying notes are an integral part of the financial statements.

BOONE COUNTY
NOTES TO THE FINANCIAL STATEMENTS

December 31, 2008

Note 1. Summary of Significant Accounting Policies

A. Fund Accounting

A fee official uses a fund to report on the results of operations. A fund is a separate accounting entity with a self-balancing set of accounts. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions related to certain government functions or activities.

A fee official uses a fund for fees to account for activities for which the government desires periodic determination of the excess of revenues over expenditures to facilitate management control, accountability, and compliance with laws.

B. Basis of Accounting

KRS 64.820 directs the fiscal court to collect any amount due from the Sheriff as determined by the audit.

KRS 64.350 establishes that a fee official in counties with a population over 70,000 has two funds with the State Treasurer for the deposit of fees collected. Seventy-five percent (75%) of the fees collected is deposited in a Sheriff's operating fund and used for office expenses of the fee official. The remaining twenty-five percent (25%) of fees collected is deposited to the county fiscal court fund and paid to the fiscal courts, urban-county governments, or consolidated local governments of the respective counties quarterly no later than April 15, July 15, October 15, and January 15. These funds are closed at the end of each official term by paying the balances to the respective county government.

The financial statements have been prepared on a regulatory basis of accounting, which demonstrates compliance with the laws of Kentucky and is a comprehensive basis of accounting other than accounting principles generally accepted in the United States of America. Under this regulatory basis of accounting revenues and expenditures are generally recognized when cash is received or disbursed with the exception of accrual of the following items (not all-inclusive) at December 31:

- Interest receivable
- Collection on accounts due from others for 2008 services
- Reimbursements for 2008 activities
- Tax commissions due from December tax collections
- Payments due other governmental entities for payroll
- Payments due vendors for goods or services provided in 2008
- Payroll expenditures incurred but not paid

The Attorney General issued a letter which stated that some revenues of the fee official offices could be considered reimbursed expenses. All reimbursed expenses are treated as revenue in the 75 percent fund.

BOONE COUNTY
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2008
(Continued)

Note 2. Employee Retirement System

The county officials and employees have elected to participate in the County Employees Retirement System (CERS), pursuant to KRS 78.530 administered by the Board of Trustees of the Kentucky Retirement Systems. This is a cost-sharing, multiple-employer defined benefit pension plan that covers all eligible full-time employees and provides for retirement, disability, and death benefits to plan members.

Benefit contributions and provisions are established by statute. Nonhazardous covered employees are required to contribute 5.0 percent of their salary to the plan. The county's contribution rate for nonhazardous employees was 16.17 percent for the first six months and 13.50 percent for the last six months of the year. Hazardous covered employees are required to contribute 8 percent of their salary to the plan. The county's contribution rate for hazardous employees was 33.87 percent for the first six months and 29.50 percent for the last six months of the year.

Benefits fully vest on reaching five years of service for nonhazardous employees. Aspects of benefits for nonhazardous employees include retirement after 27 years of service or age 65. Aspects of benefits for hazardous employees include retirement after 20 years of service or age 55.

Historical trend information pertaining to CERS' progress in accumulating sufficient assets to pay benefits when due is presented in the Kentucky Retirement Systems' annual financial report which is a matter of public record. This report may be obtained by writing the Kentucky Retirement Systems, 1260 Louisville Road, Frankfort, Kentucky 40601-6124, or by telephone at (502) 564-4646.

Note 3. Deposits

The Boone County Sheriff maintained deposits of public funds with depository institutions insured by the Federal Deposit Insurance Corporation (FDIC) as required by KRS 66.480(1)(d). According to KRS 41.240(4), the depository institution should pledge or provide sufficient collateral which, together with FDIC insurance, equals or exceeds the amount of public funds on deposit at all times. In order to be valid against the FDIC in the event of failure or insolvency of the depository institution, this pledge or provision of collateral should be evidenced by an agreement between the Sheriff and the depository institution, signed by both parties, that is (a) in writing, (b) approved by the board of directors of the depository institution or its loan committee, which approval must be reflected in the minutes of the board or committee, and (c) an official record of the depository institution. These requirements were met.

Custodial Credit Risk - Deposits

Custodial credit risk is the risk that in the event of a depository institution failure, the Sheriff's deposits may not be returned. The Boone County Sheriff does not have a deposit policy for custodial credit risk but rather follows the requirements of KRS 41.240(4). As of December 31, 2008, all deposits were covered by FDIC insurance or a properly executed collateral security agreement.

BOONE COUNTY
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2008
(Continued)

Note 4. Additional Bank Accounts of the Boone County Sheriff

The Sheriff also maintains the following bank accounts:

A. Informant Account - This account consists of money obtained through drug forfeitures and seizures. During 2008, the account had a beginning balance of \$617, receipts of \$3 and no expenditures. The balance as of December 31, 2008 was \$620.

B. Equipment Account - This account consists of money received from court judgments. This money is to be used for equipment purchases. The account had a beginning balance of \$9,711, receipts of \$61,166, and expenditures of \$63,220. The ending balance as of December 31, 2008 was \$7,657.

C. Federal Shared Proceeds Account - This account consists of money received from the Federal Government for various cases. It is to be used for employee training. For calendar year 2008, the account had a beginning balance of \$109, receipts of less than \$1, and no expenditures. The ending balance as of December 31, 2008 was \$109.

D. Federal Forfeitures Account - This account consists of money received from the Federal Government for various cases involving Sheriff's Deputies working for the DEA. It is to be used for equipment and employee training. During 2008, the account had a beginning balance of \$162,683, receipts of \$132,367, and expenditures of \$158,450. The ending balance as of December 31, 2008 was \$136,600.

E. Flexible Spending Account - The Boone County Sheriff's Department established a Flexible Benefit for its employees. This plan allows for pre-tax salary reductions for dependent care and health premiums. The Flexible Spending Account was created to handle all funds related to the plan offered by the Sheriff's Department. During 2008, the account had a beginning balance of \$890, receipts of \$0, and expenditures of \$0. The ending balance as of December 31, 2008 was \$890.

F. Payroll Account - This account was created by the Boone County Sheriff's Department to process payroll checks for the Sheriff's Department. After the Sheriff's Department adopted KRS 64.345, "Counties having population of \$70,000 or more," salaries of each officer, his deputies, assistants, and his office expenses shall be paid semimonthly by the State Treasurer upon the warrant of the Finance and Administration Cabinet. This account still has outstanding checks and will remain open until all checks are cleared or the allotted time has passed and funds are given to the State as unclaimed funds. During 2008, the account had a beginning balance of \$500, receipts of \$0, and expenditures of \$0. The ending balance as of December 31, 2008 was \$500.

G. Cadet Program Account - The Cadet Program Account is an account that was created by the Boone County Police Department. The Boone County Police Department was merged into the Boone County Sheriff's Department, and the funds were then turned over to the Sheriff's Department at that time. The account has remained dormant since the merger with a balance of \$991.

BOONE COUNTY
NOTES TO THE FINANCIAL STATEMENTS
December 31, 2008
(Continued)

Note 5. 75% Operating Fund - Deficit Balance

The Boone County's Sheriff's 75% operating fund had a deficit balance of \$6,924,277 as of December 31, 2008. KRS 64.345(4) states, "If seventy-five percent (75%) of the amount paid into the State Treasury in any month by any of such officers is not sufficient to pay the salaries and expenses of his/her office for the month, the deficit may be made up out of the amount paid in any succeeding month; but in no event shall the amount allowed by the Finance and Administration Cabinet to any officer for salaries and expenses exceed seventy-five percent (75%) of the amount paid to the finance and Administration Cabinet by the officer during his/her term."

Per an agreement with the Boone County Fiscal Court dated April 30, 2001, the Sheriff assumed the full law enforcement responsibilities of the County. Within this agreement, the County agreed to allocate sufficient funds, within the County's discretion, to enable the Sheriff to provide appropriate law enforcement services to the citizens of Boone County.

The 75% operating fund has to be settled at the end of the Sheriff's term, which ends December 31, 2010.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING AND
ON COMPLIANCE AND OTHER MATTERS BASED ON AN AUDIT OF THE FINANCIAL
STATEMENTS PERFORMED IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS



CRIT LUALLEN
AUDITOR OF PUBLIC ACCOUNTS

The Honorable Gary W. Moore, Boone County Judge/Executive
Honorable Mike Helmig, Boone County Sheriff
Members of the Boone County Fiscal Court

**Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statements Performed In Accordance With Government Auditing Standards**

We have audited the financial statements - regulatory basis of the Boone County Sheriff for the year ended December 31, 2008, and have issued our report thereon dated December 17, 2009. The Sheriff's financial statements are prepared in accordance with a basis of accounting other than generally accepted accounting principles. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States.

Internal Control Over Financial Reporting

In planning and performing our audit, we considered the Boone County Sheriff's internal control over financial reporting as a basis for designing our auditing procedures for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Sheriff's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of the Sheriff's internal control over financial reporting.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with the regulatory basis of accounting such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal control.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the entity's internal control.

Our consideration of internal control over financial reporting was for the limited purpose described in the first paragraph of this section and would not necessarily identify all deficiencies in internal control that might be significant deficiencies or material weaknesses. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses, as defined above.



Report On Internal Control Over Financial Reporting And
On Compliance And Other Matters Based On An Audit Of The Financial
Statements Performed In Accordance With Government Auditing Standards
(Continued)

Compliance And Other Matters

As part of obtaining reasonable assurance about whether the Boone County Sheriff's financial statements as of December 31, 2008, are free of material misstatement, we performed tests of compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit and, accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

This report is intended solely for the information and use of management, the Boone County Fiscal Court, and the Department for Local Government and is not intended to be and should not be used by anyone other than these specified parties.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Crit Luallen', written in a cursive style.

Crit Luallen
Auditor of Public Accounts

December 17, 2009

